

Minutes From First Session

MINUTES

ANNUAL TOWN MEETING NEWMARKET NH

FIRST SESSION: APRIL 10, 2007

Moderator Clay Mitchell of 5 Hilton Drive called the meeting to order at 7:04 p.m. The Pledge of Allegiance was recited. Approximately 75 registered voters were in attendance. The Warrant and Budget, as approved by the Town Council, was distributed along with several other supporting documents.

Moderator Mitchell presented the Warrant and explained the manner in which he would conduct the meeting, noting all Warrant Articles, unless amended, would simply be put forth, as written, on the official ballot to be voted on May 8, 2007, the Second Session of the 2007 Annual Meeting.

Moderator Mitchell then requested, and all observed, a moment of silence in honor of all who have served our country in wars, conflicts, and locally in times of need such as the recent floods.

Article 1. To choose all necessary Town Officers for the ensuing year.

Budget Committee Three for three (3) years

One for two (2) years

One for one (1) year

Planning Board Two for three (3) years

One for One (1) year

Town Council Two for three (3) years

Trustee of Trust Funds One for three (3) years

There being no discussion, Moderator Mitchell stated Article 1 would be put forward as written.

Upon a motion duly made by David Bird of 42 Smith Garrison Road and seconded by William Conner of 295 Wadleigh Falls Road, it was VOTED by a show of hands (41 in favor and 28 opposed) as follows. (Mr. Bird provided Moderator Mitchell with a copy of the motion.)

To bring forward Warrant Article 11 to be considered prior to consideration of Article 2.

Article 11. Operating Budget.

Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling nine million three hundred ninety-three thousand, seven hundred sixty-one dollars (\$9,393,761). Should this article be defeated, the operating budget shall be nine million one hundred twenty-five thousand, two hundred fifty dollars, (\$9,125,250), which is the same as last year, with certain adjustments required by previous action of the Town of Newmarket, or by law, or the Town Council may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. Recommended by the Town Council and recommended by the Budget Committee.

Moderator Mitchell read Article 11. Town Administrator Alphonse Dixon presented an overview of the 2007/2008 operating budget, noting the proposed budget could result in 26 cents per \$1,000 tax increase. He also noted it is possible the projected increase could shrink to 10 cents or below. David Bird asked how the Town was able to spend down the tax rate for 2006. Mr. Dixon explained that at tax rate setting time, there are possible adjustments in revenues, and determinations are made regarding what is appropriate to use of the fund balance to keep the tax rate down.

Edward Portyrata of 177 Exeter Road questioned information he had heard regarding the State of New Hampshire retirement system and asked if this would affect Newmarket. Mr. Dixon responded it is anticipated there will be a 28% increase in the retirement costs, noting that the program is currently in a crisis situation.

Samuel J. Fitzpatrick of 9 Osprey Lane said that in reviewing the budget and the separate warrant articles that the possible tax increase could be 37 cents per \$1,000. He questioned the rationale of having all the separate warrant articles. Councilor Brian Hart responded as a Council member to the Budget Committee, and said the decision was made to separate new items from the budget into separate warrant articles in order that the voters could determine whether these new expenditures should be approved.

There being no further discussion, Moderator Mitchell stated Article 11 would be put forward as written.

Article 2. Police Department Systems Administrator

To see if the Town will vote to raise and appropriate the sum of \$47,918 (salary & benefits) to fund a new position entitled Systems Administrator, to provide support services in the Police Department.
(Tax rate would increase by approximately \$.06 per thousand this year.) (Majority ballot vote)
Recommended by the Town Council and recommended by the Budget Committee.

Moderator Mitchell read Article 2. Police Chief Kevin Cyr presented an overview and background information about why the Article was deemed necessary. He noted the number of police officers had doubled since the 1970s, that the workload had increased 10-fold, and that the number of dispatchers had not increased. He also explained how the use and improvements in technology and automation had made this possible. Chief Cyr reported he is currently managing the automated systems used by the Police Department with assistance from various officers and the Town's MIS Manager. The Department is in need of an exclusive Police Department employee to manage the multi-systems in order to return the officers to duty on the street and to keep the dispatch center running. It was also pointed out by Councilor Michael Ploski that due to the sensitive and private information handled by these systems, under the various operating system contracts, only a Police Department employee who is directly and exclusively supervised by the Chief, is allowed to have access to these systems.

Peyton Carr of 213 Bay Road questioned why proposed expenditures such as this would be separated into a separate warrant article since it is not a one-time expense. Budget Committee Rod Bowles explained that since the program is new, the intent was to obtain voter approval, then in continuing years the expenditure would be incorporated and managed in the regular budget process.

There being no further discussion, Moderator Mitchell stated Article 2 would be put forward as written.

Article 3. Mosquito Control Services

Shall the Town raise and appropriate the sum of Sixty-six Thousand Two hundred Dollars (\$66,200) to provide mosquito control services as follows: (1) Larvaciding (\$39,000) (2) Adulticiding (control flying mosquitoes by truck in emergencies only) (\$22,200) (3) Adult mosquito collection and testing (\$5,000)

(Tax rate would increase by approximately \$.09 per thousand this year.) (Majority ballot vote)

Recommended by the Town Council and recommended by the Budget Committee.

Moderator Mitchell read Article 3. Administrator Alphonse Dixon reported that this is the same warrant article as was approved by voters last year, noting the extensive debate surrounding this issue last year. Mr. Portyrata questioned if it is already too late to start the program and whether it is a private company providing the services. Mr. Dixon reported that the private company is Municipal Pest Management, and the owner Mike Morrison was present at the meeting to answer any questions. Councilor Brian Hart explained it is not too late, since the program and monies were approved last year to ensure that the program is already funded through June 2007. He noted this warrant article would provide monies from July 2007 to June 2008.

Ellen Conner of 295 Wadleigh Falls Road questioned whether the program would be carried out in specific areas of Town or throughout the entire Town. Administrator Dixon responded that it will be carried out in all 'hot spots', which included only stagnant shallow bodies of water, not rivers.

There being no further discussion, Moderator Mitchell stated Article 3 would be put forward as written.

Article 4. Multiple year Police Department Collective Bargaining Agreement

To see if the Town of Newmarket will vote to approve the cost items included in the collective bargaining agreement reached between the Town Council and the International Brotherhood of Teamsters, Local 633 which calls for the following increase in salaries and benefits at the current staffing level:

Year Estimated Increase

FY 2007-08 \$108,209

FY 2008-09 \$ 86,391

FY 2009-10 \$ 87,681

And further to raise and appropriate the sum of \$108,209 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits over those of the appropriation at current staffing levels paid in the prior fiscal year.

(Tax rate would increase by approximately \$.15 per thousand this year.) (Majority ballot vote.)

Recommended by the Town Council and recommended by the Budget Committee.

Moderator Mitchell read Article 4. Council Chairwoman Jennifer Jarvis reported that an agreed-upon contract had been negotiated with the Police union. She highlighted the "Key points contained in the negotiated Police Contract (copies of which were available for attendees).

Mr. Portyrata requested additional information regarding the health insurance coverage and premiums and what specifically is included in the \$108,000. He also noted he had obtained a copy of Town payroll records. Council Chairwoman Jarvis noted that the police had not received any pay increase since 2004, and that the \$108,000 included an amount to make up a retroactive increase. She reported that a police officers were entitled to pay increases of up to 5 percent, which is in keeping with regular town employees. Mr. Dixon reported that the \$108,000 does not include health insurance or retirement costs since there was no negotiated change in these benefits (i.e., no added cost). Budget Committee member Rod Bowles pointed out that the payroll records reflected and included all hours and wages, noting that many of the police officers have worked extra details and overtime in order to supplement their regular 40 hour pay period.

David Bird questioned if the negotiated contract resulted in less of a pay raise than if the police and remained non-union. Officer Richard Beaudet of 245 Grant Road stated that this may be true. He reiterated that the 5% for police is equivalent to the 3% plus COLA of up to 2% that the regular town employees receive.

Chief Cyr clarified Mr. Portyrata's interpretation of the payroll records he was citing, noting there are not any police officers earning anything close to \$100,000, as Mr. Portyrata stated. He also pointed out that the retirement benefits and program that the Newmarket police department is receiving are exactly the same NH retirement benefits and program that all other police departments in the State are receiving.

Councilor Brian Hart, also a member of the Town's negotiating team, pointed out they were very thankful for two concessions made by the union: 1) arbitration is non binding, and 2) performance evaluation and merit pay system. Councilor Hart is unaware of any other police unions who have agreed to this. He also indicated the Council is hopeful of incorporating the evaluation and merit pay system into the Town's regular policies for its other employees.

Debbie Hale of 231 South Main Street spoke noting she is a federal employee and raised concerns about the union pay scale being different than the pay scale for regular, non-union employees. Council Chairwoman Jarvis said the Council hopes to continue with the same merit plan for all town employees.

There being no further discussion, Moderator Mitchell stated Article 4 would be put forward as written.

Article 5. Authorization for Special Town Meeting on Defeated Collective Bargaining Agreement Warrant Article

Shall the Town of Newmarket, if Article 4 is defeated, authorize the Town Council (governing body) to call one special town meeting, at its option, to address Article 4 cost items only?
(majority ballot vote)

Moderator Mitchell read Article 5.

There being no discussion, Moderator Mitchell stated Article 5 would be put forward as written.

Article 6. Appropriation for Fire Ladder Truck Capital Reserve

To see if the Town will vote to raise and appropriate the sum of Twenty five Thousand dollars (\$25,000) to be deposited in the Fire Ladder Truck Capital Reserve Account established under the provisions of RSA 35:1.
(Tax rate would increase by approximately \$.03 per thousand this year) (Majority ballot vote)
Recommended by the Town Council and recommended by the Budget Committee.

Moderator Mitchell read Article 6. Budget Committee Member and Member of the Capital Improvement Program (CIP) Committee Robert Coffey reported the CIP Committee had requested this be placed on the Warrant. He noted the CIP Committee had opted to keep capital spending overall the same as last year.

There was considerable discussion about this article. Douglas Hamilton of 33 Lamprey Street noted that two years ago \$50,000 was approved by the voters and questioned if the \$50,000 was not put aside. Mr. Coffey stated Mr. Hamilton was correct; it was not put aside. Mr. Hamilton questioned if the Council was choosing to negate the wishes of the Town and questioned why the Town would be required to vote again on what was already voted on two years ago. He said he felt there should already be \$50,000 in an account. He also questioned whether this might set some sort of precedence.

Councilor Hart reported the \$50,000 was appropriated and the \$50,000 was in capital reserves right now. He noted the proposed Fire Department live-in program that was put on the warrant last year failed. He said no additional monies related to a ladder-truck were added last year due to the live-in proposal request. He reported the Council, which was not unanimous regarding this issue, felt this item, in the amount of \$25,000, should be put forth separately to the voters again this year. He also said the town is not legally obligated to increase the fund each year based on the vote two years ago.

Mr. Hamilton reported that three recent grant applications were unsuccessful in obtaining funds that could be used toward a ladder truck. He questioned why monies are not being put in the CIP plan.

Richard Alperin of 204 South Main Street, requested a presentation from the Fire Department outlining why the Town needs a ladder truck. Fire Chief Richard Malasky responded with a detailed explanation. He noted the ISO (Insurance Service Office) evaluates the Police Department, Dispatch, and Fire Department, and reviews the water supply, structures and number of structure stories. According to the ISO, if a community has at least 5 buildings that are more than 35 feet tall, an aerial fire fighting device is necessary. Chief Malasky reported that Newmarket has over 44 buildings that are greater than 35 feet in height. He noted specifically the Bryant Rock condominiums, Bennett Way buildings and several buildings located on Main Street. Chief Malasky reported that Newmarket currently has a 5.9 ISO rating. He said if Newmarket were able to obtain a 4.9 rating, it could provide everyone in Town with insurance premium savings of 3 to 5 percent. Obtaining an aerial fire fighting device would result in lowering the Town's ISO rating by 5 points. This, plus updating and improving the Town's water mains, which would improve fire flow water volume, could possibly achieve a 4.6 rating. He also emphasized that having full-time fire fighters is not a requirement. To meet the requirements, the fire station must be within 2 ½ miles from tall buildings, which is currently the case. Chief Malasky further noted the current response time using Durham or Exeter's aerial fire fighting equipment is 15 to 25 minutes.

Mr. Hamilton noted he has been an insurance underwriter for 32 years, and he spoke of the advantages of a community having a lower class rating, i.e., more companies could offer better coverage at more affordable rates.

Mr. Portyrata asked if impact fees can be used to fund a ladder truck. Council Chairwoman Jennifer Jarvis reported that the Town does not have impact fees for fire and rescue.

John Deziel of 64 Packers Falls Road spoke about his extensive grant writing experience and indicated he has been assisting the Fire Department with grant applications. He noted he had obtained a letter from Congressman Jeb Bradley in support of Newmarket obtaining a fire ladder truck. He is also working with Congresswoman Carol Shea Porter in a similar effort. He requested the Newmarket Town Council consider submitting a similar letter of support, noting the Council's support is necessary to most effectively apply for funds. He offered to work with anyone to write grants and noted that, as Jeb Bradley's letter states, obtaining a fire ladder track would: 1) be a cost savings to the Town in terms of decreased insurance premiums, 2) benefit the human element in terms of saving lives, and 3) be a positive marketing tool to increase investments in the downtown area.

Mr. Carr questioned if it would be possible for the Town Council to consider implementing an impact fee program for this purpose. Council Chairwoman Jarvis said that, with the Council's support, she would put this on as a future Council agenda item.

It was questioned whether the wording of Warrant Article 6 is sufficient and whether the Town will have to repeat a similar warrant article again in the future. Councilor Hart reported that it would not necessarily have to be a separate warrant article, it could be possible to add it through the CIP program. Mr. Coffey recommended that any interested parties attend a future CIP Committee meeting next fall to voice their opinions regarding the funding of a ladder track. He noted the Committee begins meeting in September and meets every two weeks through the fall.

There being no further discussion, Moderator Mitchell stated Article 6 would be put forward as written.

Article 7. Bridge Improvement Capital Reserve

Shall the Town vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of improving and rebuilding existing bridges, and constructing new bridges; and raise and appropriate the sum of Ten Thousand dollars (\$10,000) to be placed in said fund and to appoint the Town Council as agents to expend from the Bridge Improvement Capital Reserve.

(Tax rate would increase by approximately \$.01 this year) (Majority ballot vote)

Recommended by the Town Council and recommended by the Budget Committee.

Moderator Mitchell read Article 7. Budget Committee and CIP Committee member Robert Coffey gave a brief overview.

There being no discussion, Moderator Mitchell stated Article 6 would be put forward as written.

Article 8. MacAllen Dam Capital Reserve

Shall the Town vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of maintaining and improving the MacAllen Dam in Newmarket; and raise and appropriate the sum of Ten Thousand dollars (\$10,000)

to be placed in said fund and to appoint the Town Council as agents to expend from the MacAllen Dam Capital Reserve. (Tax rate would increase by approximately \$.01 this year) (Majority ballot vote)
Recommended by the Town Council and recommended by the Budget Committee.

Moderator Mitchell read Article 8. Budget Committee and CIP Committee member Robert Coffey gave a brief overview.

Mr. Hamilton asked if the dam is federally inspected. Chief Malasky responded that the dam is inspected by the State of New Hampshire. He said currently there are mechanical issues related to the gates which need to be addressed, but overall the dam is in good shape.

Councilor Dana Glennon reported that the dam is owned by the Town of Newmarket and was obtained by the Town through its acquisition of the MacAllen properties.

Mr. Portyrata questioned if Newmarket had approached other surrounding towns to assist with the upkeep of the dam. Administrator Dixon responded that this had not been pursued and in his experience, other towns were not very receptive to agreeing to contribute to another town's financial needs. He also noted that the Town of Durham may have similar needs with regard to the Wiswall Dam.

There being no further discussion, Moderator Mitchell stated Article 8 would be put forward as written.

Article 9. Town Cemeteries Capital Reserve

Shall the Town vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of maintaining and improving Town Cemeteries, and raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be placed in said fund and to appoint the Town Council as agents to expend from the Town Cemetery Capital Reserve. (Tax rate would increase by approximately \$.02 this year) (Majority ballot vote)
Recommended by the Town Council and recommended by the Budget Committee.

Moderator Mitchell read Article 9. Administrator Dixon noted that two years ago a 5-member Board of Cemetery Trustees was established, and they have been working toward improving the town's cemeteries. Administrator Dixon explained that originally the Board had requested \$25,000 which included removing trees from the cemetery immediately behind the Police Department building. He said \$10,000 of that request has been incorporated in the operating budget. Cemetery Trustee member Richard Alperin explained that the \$15,000 is being requested for improvements and repairs to this cemetery. He also noted that information hand-outs were available to attendees.

Amy Thompson of 109 Langs Lane questioned if the wording of the article should be amended. She noted that the wording did not specifically require that the funds be expended for this particular cemetery. Administrator Dixon confirmed that the wording would theoretically allow for the funds to be used for any town cemetery, but the Committee has identified this cemetery as its priority. Mr. Alperin stated it is estimated it could cost as much as \$50,000 to \$75,000 to repair all the monument stones in this cemetery.

There being no further discussion, Moderator Mitchell stated Article 9 would be put forward as written.

Article 10. Establish Expendable Trust Fund--Special Warrant Article

To see if the Town will vote to create an expendable trust fund under the provisions of RSA 31:19-a, to be known as the Newmarket Veterans Memorial Expendable Trust Fund, and appoint the Town Council as agents to expend funds from the Newmarket Veterans Memorial Expendable Trust Fund, for the purposes of repairing and maintaining existing War Memorials and to fund the development and construction of new memorials to honor our war veterans, and to raise and appropriate the sum of ten thousand dollars (\$10,000) to be placed in this fund. (tax rate would increase by approximately \$.01 this year) (Majority ballot vote)
Recommended by the Town Council and recommended by the Budget Committee.

Moderator Mitchell read Article 10. Budget Committee member and CIP member Robert Coffey explained that this warrant article was requested to take care of the existing monuments, and he noted that the Committee does have ideas about putting up new monuments.

There being no further discussion, Moderator Mitchell stated Article 10 would be put forward as written.

Article 11. Operating Budget (considered prior to Article 2 – see above).

Article 12. New Hampshire Climate Change

To see if the Town will go on record in support of effective actions by the President and the Congress to address the issue of climate change which is increasingly harmful to the environment and economy of New Hampshire and to the future well being of the people of Newmarket. These actions include:

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Establishment of a national program requiring reductions of U.S. greenhouse gas emissions while protecting the U.S. economy.

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Creation of a major national research initiative to foster rapid development of sustainable energy technologies thereby stimulating new jobs and investment.

In addition, the Town of Newmarket encourages New Hampshire citizens to work for emission reductions within their communities, and we ask our Town Council to consider the appointment of a voluntary energy committee to recommend local steps to save energy and reduce emissions.

The record of the vote on this article shall be transmitted to the New Hampshire Congressional Delegation, to the President of the United States, and to declared candidates of those offices.

Moderator Mitchell read Article 12. Councilor Brian Hart explained that this warrant article was the result of a Petitioned Warrant Article. He noted that the Council had also previously passed a separate, but similar, resolution because it believes the federal government needs to take more initiative to address these climate change issues.

There being no further discussion, Moderator Mitchell stated Article 12 would be put forward as written.

Article 13. Other Business

To transact any other business which may legally come before this meeting.

Moderator Mitchell recognized the employees and volunteers of the Police Department, Fire Department, and Emergency Services for their outstanding efforts during this past year's flood. All those in attendance showed their appreciation with a round of applause.

There being no further business, the meeting was adjourned at 12:07 a.m., April 12, 2006.

Respectfully Submitted,

Becky I. Benvenuti

Town Clerk and Tax Collector